

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES COBB,
 Plaintiff(s),

v.

UNITED STATES OF AMERICA,
 Defendant(s).

Case No. 2:21-cv-00677-GMN-NJK

Order

[Docket No. 20]

Pending before the Court is Defendant's motion to stay discovery, which is unopposed. Docket No. 20. The Court does not require a hearing on the motion. *See* Local Rule 78-1.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).

Defendant seeks a stay of discovery pending resolution of its motion seeking sanctions for alleged discovery violations. *See* Docket No. 19. A sufficient showing has not been made that a stay of discovery is warranted. It is counterintuitive to issue an order stopping discovery predicated on an argument that an opposing party has not been engaging in discovery.¹ Indeed, in the event the opposing party eventually engages in discovery, albeit in belated fashion, such efforts may be pertinent to whether sanctions are imposed and, if so, which sanctions are imposed. *Cf. United States ex rel. Wiltec Guam, Inc. v. Kahaluu Constr. Co.*, 857 F.2d 600, 604 (9th Cir. 1988).

¹ A motion to stay discovery is typically filed pending resolution of a motion to dismiss, which is by its nature designed to enable a challenge to the pleadings without the need to obtain discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011).

1 Accordingly, the motion to stay discovery is **DENIED**.

2 IT IS SO ORDERED.

3 Dated: April 26, 2022

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6 Nancy J. Koppe
7 United States Magistrate Judge
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